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**THE HONORABLE BRIAN D. LYNCH  
CHAPTER 13**

**HEARING DATE: August 8, 2023**

**HEARING TIME: 1:30 P.M.**

**LOCATION: Tacoma, Washington**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

PENNY L TIBBITS,

Debtor.

Case No.: 23-40850-BDL

TRUSTEE'S OBJECTION TO CONFIRMATION  
WITH STRICT COMPLIANCE

**COMES NOW**, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to  
confirmation as follows:

**BACKGROUND**

Debtor filed this Chapter 13 case on May 27, 2023. The applicable commitment period is  
thirty-six months. The case is currently in the second month and the Meeting of Creditors has  
been completed. The bar date for filing non-governmental claims is August 7, 2023. Scheduled

1 unsecured claims total \$15,641.05. The Trustee estimates that under the proposed plan general  
2 unsecured creditors will receive approximately \$0.00.

3  
4 **OBJECTION**

5 ☒ Plan is not feasible:

6 The plan is not adequately funded to pay administrative expenses and all secured,  
7 priority and unsecured claims provided for payment in the plan. *See* attached  
8 Declaration.

9 ☐ Plan is not proposed in good faith or is forbidden by law:

10 ☐ Plan fails to commit all excess disposable income for the applicable commitment period  
11 as required by 11 U.S.C. § 1325(b)(1)(B):

12 ☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. §  
13 1325(a)(4):

14 ☒ Schedules or other documentation insufficient:

15 Debtor's disposable monthly income figure, calculated on Schedule J, is slightly less  
16 than the proposed plan payment. Trustee respectfully requests that the budget be  
17 amended to evidence Debtor's ability to make all required plan payments as  
18 contemplated by 11 U.S.C. §1325(a)(6).

19 ☒ Other:

20 Debtor's plan contains nonstandard provisions at paragraph X, though paragraph I.A  
21 contains no such election. Prior to confirmation, the plan should be amended to check  
22 "yes" if Debtor wishes to insert language in paragraph X. Similarly, Trustee respectfully  
23 requests language in X, which specifically directs him to make only the contractual  
24 monthly car payment. Such language would assist Trustee in plan administration.  
25 Finally, Debtor's vehicle creditor is Sound Credit; the plan should be amended to so  
identify it at paragraph IV.C.3.a.

26 **WHEREFORE**, Trustee requests that the objection to confirmation be sustained and  
27 Debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14  
28 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing  
29 on the next available motion calendar after the 14 days expires. If the Motion to Confirm

1 resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee  
2 requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

3 **DATED** this 30th day of June, 2023.

4  
5  
6 /s/ Michael G. Malaier

7 Michael G. Malaier, WSBA #34729  
8 Chapter 13 Standing Trustee

9 **CERTIFICATE OF MAILING**

10 I declare under penalty of perjury under the laws of the United States as follows: I  
11 mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation with  
12 Strict Compliance and Declaration to the following:

13 Penny L. Tibbits  
14 101 E. Timberlake Drive  
15 Shelton, WA 98584

16 The following parties received notice via ECF:

17 Tom S. Hyde  
18 Scott D. Crawford  
19 Lance E. Olsen  
20 US Trustee

21 Executed at Tacoma, Washington on the 30<sup>th</sup> day of June, 2023.

22  
23 /s/Tracy Maher

24 Tracy Maher  
25 Office Manager